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BOARD CERTIFIED - PERSONAL INJURY TRIAL LAW
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April 22, 2008

Judge John F. Keenan
United States District Court
Southern District of New York
500 Pearl Street, Room 1930
New York, NY 10007-1312

Re: In Re Fosamax Products Liability Litigation (MDL-1789)
Carrie Smith, et al, Case No. 07-CV-9564

Dear Judge Keenan:

Last week, Merck filed three Motions to Dismiss related to specific plaintiffs in the above-referenced cause. We had previously filed a Motion for Remand in this case and it is our position that since the Court does not have jurisdiction, it would be inappropriate for the Court to rule on Defendant's Motions to Dismiss at all, let alone dismiss any cases. These issues will be better presented to the California state court, whose procedures may be similar or may be different. The proper court, with subject matter jurisdiction, should be the only court issuing orders for all of the plaintiffs.

Very Truly Yours,

A handwritten signature in black ink that reads "William B. Curtis". The signature is written in a cursive style with a large "W" and "C".

William B. Curtis

WBC/kdw
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